REMARKS

The outstanding Action has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 2-52 are pending in this application and are submitted for consideration. By this amendment, claims 18, 35 and 52 have been amended to more specifically set forth Applicants' invention. No new matter has been introduced.

Examiner's Interview

The Applicants thank the Examiner for the courtesy extended during a Personal Interview conducted with the Applicants' undersigned attorney on February 4, 2003.

Prior Art Rejection

Claims 2-52 are rejected under 35 U.S.C. §102(e) as being anticipated by *Ginter et al.* **(of record, "Ginter").**

Claims 18, 35 and 52 from which claims 2-17, 19-34, and 36-51 depend have been amended to more specifically set forth the data package, which has the following limitations:

(1a) data relating to a transaction.

(1b) (predetermined) data attribute which defines the attribute of data relating to the transaction.

(2a) The data and data attribute are both included in a data package which is located in a boundary.

(2b)   the boundary is set in accordance with an *attribute for the transaction* and the data relating to the transaction, and to define the scope of data to be used for the transaction.

In the present invention as recited in claims 2-52, the boundary is set in accordance to the limitation as discussed in (2b). This limitation is simply not described in *Ginter*. For instance, *Ginter* teaches implementing "rules and controls" to define the boundary of a transaction. However, such "rules and controls" of *Ginter* are more akin to the data attribute or the attribute of data relating to the transaction as discussed in 1(b), rather than any attribute for the transaction or attribute of data relating to the transaction as discussed in 2(b) and set forth in claims 2-52.

In other words, data processing in *Ginter* is performed <u>after</u> contents or data have been distributed and boundary determined through "rules and controls". By contrast, the boundary of the claimed invention is determined <u>before</u> the data package (contents) is supplied and acquired so that the scope of data used for the transaction can be defined.   It is also worth noting that the "attribute of the data relating to the transaction" as set forth in claims 2-52 must reside within the boundary, whereas the "rules and controls" of *Ginter* do not have to be located in the boundary.

In view of the above remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims is earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicants hereby

petition for an appropriate extension of time. The fee for this extension may be charged

to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge

any fee deficiency or credit any overpayment associated with this communication to

Deposit Account No. 01-2300.

Respectfully submitted,

Arent Fox Kintner Plotkin & Kahn, PLLC
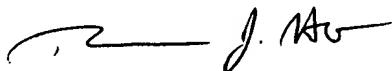
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RH/klf (#159928v1)
Enclosures: Marked-Up Copy of Claim Amendments

COPY OF MARKED-UP AMENDED CLAIM

18.   (Three-Times Amended)   A data distribution method in a network having a
plurality of connected nodes for suitable distributing any content as a transactable
product, comprising:

sending through the network a data package (information package), having the
content as a transactable product, for which a boundary is set [relating to] in accordance
with a predetermined attribute for the transaction and data relating to the transaction,
and which the data package includes the data relating to the transaction, and
information which defines a predetermined attribute of said data relating to the
transaction,

supplying the data package through the network by a data server means,

receiving the data package by a data utilization means connected to at least one
node on the network, substantially acquiring at least the content according to said
boundary, and

carrying out predetermined processing relating to the transaction based on the
information of the predetermined attribute for the transaction of the content each time
the content delineated by the boundary is newly substantially acquired by the data
utilization means.

35.   (Three-Times Amended)   A computer readable recording medium which a
data package for distribution of any content as a product for transaction in a network

having a plurality of nodes are connected is recorded and which can be read by a

computer substantially connected to the network, the data package comprising:

any content for which a boundary is set [relating to] in accordance with a

predetermined attribute for the transaction and a data relating to the transaction, and

which the data package includes the data relating to the transaction and an information

of said predetermined attribute which defines the predetermined attribute of said data,

and

information relating to the control for utilization of the content.

52. (Twice Amended)   A network system for suitably distributing any content as

transactable product, comprising:

one or more data server means and utilization means, and transaction

management means comprised on the network system, wherein

said data server means and utilization means transmit and receive through the

network system a data package [for] which includes the [a boundary is set in

accordance with an attribute for a transaction and a] data relating to [the] a transaction[,

and which the data package includes the data relating to the transaction] and [an]

attribute data which [defines the] define an attribute of said data relating to the

transaction, wherein the data and the attribute data included in the data package are

located in a boundary, the boundary is set in accordance with an attribute for the

transaction and the data relating to the transaction in order to define the scope of data

to be used for the transaction,

said data server means supply through the network <u>in accordance with the</u>

<u>boundary</u> the data package which includes data of said content as said data relating to

the transaction,

said data utilization means receive the supplied data package, and substantially

acquire said data of said content <u>in accordance with the</u> boundary, and

said transaction management means performs processing relating to the

transaction on the basis of said attribute data every time said data package is received

by said data server means or said data utilization means.